

Please add new claims 22-27 as follows:

22. (Newly added) Safety device, comprising:
a collar;
a neck extending from said collar;
a housing pivotably connected to the end of said neck away from said collar; and
a latch member extending from said neck in a direction towards the center of said collar;
wherein when said collar is placed about a vial and moved toward a hub of said vial until adjacent to one end of said hub, said latch member is latched onto another end of said hub.
23. (Newly added) Safety device of claim 22, wherein said latch member is integrated to said neck and flexible relative to said collar.
24. (Newly added) Safety device of claim 21, wherein said housing comprises at least one integral hook for lockingly gripping a needle extending from said hub when said housing is pivoted to a position in alignment along longitudinal axis of said vial.
25. (Newly added) Safety device, comprising: a collar, a flexible neck extending from said collar, a housing pivotably connected to the end of said neck away from said collar, and a latch member extending from said neck in a direction towards the center of said collar, said latch member continuously biases against body of a vial when said collar is placed about said vial and moved toward one end of a hub of said vial, said latch member further biases against said hub as said collar is moved further toward said one end of said hub, said latch member latching onto another end of said hub when said collar is moved adjacent to said one end of said hub.

26. (Newly added) Safety device of claim 25, wherein said latch member is integrated to said neck and flexible relative to said collar.

27. (Newly added) Safety device of claim 25, wherein said housing comprises at least one integral hook for lockingly gripping a needle extending from said hub when said housing is pivoted to a position in alignment along longitudinal axis of said vial.

Remarks

The following is a response to the Office Action dated November 5, 2002.

In response to the objection to the drawings, submitted herewith are amended Figs. 6, 7 and 8. Corresponding amendments to the specification have been made to correct the wrong designations. The examiner's attention, however, is directed to the fact that the designation "6", as shown in Fig. 2, in fact designates the opening of the collar 4, and not the collar per se as suggested in the Office Action. The difference between designations 4 and 6 is given on page 5, line 16. That being the case, no amendment was effected to Fig. 2. As for amended Figs. 6, 7 and 8, upon approval by the examiner, those figures will be corrected as shown in red.

Claims 1, 5 and 6 were rejected under 35 U.S.C. 112, second paragraph.

For this rejection, applicant respectfully submits that the examiner is relying on "form over substance", for if the examiner were to read the objected to phrase more carefully, there would not be any indefiniteness. For example, the recited "the end of the neck member away from the collar" is believed to be definite insofar as there are only two ends to a neck and if it is the end of the neck away from the from collar, then obviously it is not the other end of the neck of the collar. Be that as it may, to expedite the prosecution of this case, claims 1 and 5 each have been amended to rid the article "the". Accordingly, the rejection under 35 U.S.C. 112 is believed to have been overcome.